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VIA ELECTRONIC DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Amendment of Part 2 of the Commission's Rules for Federal Earth Stations Communicating with Non-Federal Fixed Satellite Service Space Stations, ET Docket No. 13-115; Federal Space Station Use of the 399.9-400.05 MHz Band; and Allocation of Spectrum for Non-Federal Space Launch Operations, RM-11341

Notice of *Ex Parte* Presentation

Dear Ms. Dortch:

On March 9, 2017, Jennifer Warren, Vice President of Technology Policy & Regulation, and Scott Kotler, Director of Technical Regulatory Affairs for Lockheed Martin Corporation ("Lockheed Martin"), met with Rachael Bender, Wireless Advisor for Chairman Pai. During the meeting, Lockheed Martin discussed the above-captioned proceeding.

Lockheed Martin's goal on the non-federal space launch portions of this proceeding is to ensure that there is equitable access to spectrum for a robust and competitive launch market. As a Commission licensee, Lockheed Martin provides commercial satellite launch services,¹ and thus is

¹ FCC File No. 1119-EX-ST-2016, submitted in support of the launch of the EchoStar XIX satellite, is Lockheed Martin's most recent authorization.

directly impacted by any decision the Commission makes on allocating non-federal spectrum in the 2.2 GHz band for such use.

Lockheed Martin wishes to reiterate its position² that there is currently no need to add spectrum allocations to the FCC Table of Allocations in order to ensure timely and predictable authorizations for commercial space launches. Instead, the FCC's existing Special Temporary Authority ("STA") process provides for spectrum access on an equitable basis to all providers of commercial launch services, without adding any unwanted and unnecessary risks. Lockheed Martin notes that since the issuance of the NPRM in 2013, the FCC has gained significant experience in the process of authorizing spectrum to support commercial launch services through STAs issued under Part 5 of the Commission's rules. The launch spectrum application and authorization process has become more predictable with a well understood set of streamlined conditions developed among the interagency stakeholders.

To support current commercial launch activities, Lockheed Martin emphasizes that each launch has unique characteristics that require specific coordination with the federal agencies; moreover, there is only a need to have access to dedicated spectrum for short periods of time to test in advance of and for launch activities. Based on each individual application, the Commission places conditions on the respective authorization to ensure that the affected federal agencies do not receive harmful interference. Through this process, spectrum for each launch is successfully coordinated.

Lockheed Martin is concerned that any decision that adds a new commercial spectrum allocation may introduce new burdens and alter the equitable access to spectrum among all commercial launch service providers. Furthermore, Lockheed Martin is concerned that spectrum could be exclusively authorized to a single commercial provider for extensive and unnecessary periods of time, which could potentially deny other competitors access, whether because of new coordination requirements or otherwise.

Should the FCC nonetheless proceed with the adoption of new allocations in the 2.2 GHz band to support commercial space launch services, Lockheed Martin requests that such allocation be on a secondary basis, that the Commission ensure that it accommodates all commercial launch providers equitably, and that it continue to use the STA approach as the licensing model. The current STA approach is now working well, and should continue to be the approach going forward. Lockheed Martin is of the view that NTIA should retain exclusive jurisdiction over the allocations in the 420-430 MHz, 2200-2290 MHz, and 5650-5925 MHz frequency bands that support launch spectrum.

Finally, Lockheed Martin recognizes that, in lieu of the 2.2 GHz band, spectrum in the 2360-2395 MHz band is already allocated for telemetering and associated telecommand operations of expendable and reusable launch vehicles,³ whether or not such operations involve flight testing as considered in the NPRM and NOI.⁴ This spectrum could provide additional access opportunities. Lockheed Martin would support a service rulemaking in this band for any spectrum needs that cannot be accommodated in the 2.2 GHz band.

² Comments of Lockheed Martin Corporation, ET Docket No. 13-115, RM-11341 at 7 (filed Aug. 30, 2013). *Ex Parte* Presentation, ET Docket No. 13-115, RM-11341 (filed Oct. 17, 2016).

³ See 47 C.F.R. § 2.106, fn. US276. Such operations are limited to the 2364.5, 2370.5, and 2382.5 MHz frequencies.

⁴ *NPRM/NOI*, FCC 13-115 at ¶¶ 66 and 88.

Pursuant to Section 1.1206(b) of the FCC's rules, this letter is being filed electronically in the above-referenced proceeding. Please direct any questions regarding this submission to the undersigned.

Respectfully submitted,

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